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HOUSE BILL 1695

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State of Washington                      54th Legislature                      1995 Regular Session

By Representatives Pennington, G. Fisher, Thompson and Romero

Read first time 02/06/95. Referred to Committee on Natural Resources.

1            AN ACT Relating to coastal crab fishing licenses; amending RCW  
2 75.30.350, 75.30.360, 75.30.430, 75.30.050, 75.28.125, and 75.28.113;  
3 and repealing RCW 75.30.420 and 75.30.450.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 75.30.350 and 1994 c 260 s 2 are each amended to read  
6 as follows:

7            (1) Effective January 1, 1995, it is unlawful to fish for coastal  
8 crab in Washington state waters without a Dungeness crab~~coastal~~ or a  
9 Dungeness crab~~coastal~~ class B fishery license. Gear used must consist  
10 of one buoy attached to each crab pot. Each crab pot must be fished  
11 individually.

12            (2) A Dungeness crab~~coastal~~ fishery license is transferable. Such  
13 a license shall only be issued to a person who proved active historical  
14 participation in the coastal crab fishery by having designated((7)) for  
15 any period of time after December 31, 1993, a vessel on the qualifying  
16 license that meets the following criteria:

17            (a) Made a minimum of eight coastal crab landings totaling a  
18 minimum of five thousand pounds per season in at least two of the four  
19 qualifying seasons identified in subsection (4) of this section, as

1 documented by valid Washington state shellfish receiving tickets; and  
2 showed historical and continuous participation in the coastal crab  
3 fishery by having held one of the following licenses or their  
4 equivalents each calendar year beginning 1990 through 1993, and was  
5 designated on the qualifying license of the person who held one of the  
6 following licenses in 1994:

7 (i) Crab pot«Non-Puget Sound license, issued under RCW  
8 75.28.130(1)(b);

9 (ii) Nonsalmon delivery license, issued under RCW 75.28.125;

10 (iii) Salmon troll license, issued under RCW 75.28.110;

11 (iv) Salmon delivery license, issued under RCW 75.28.113;

12 (v) Food fish trawl license, issued under RCW 75.28.120; or

13 (vi) Shrimp trawl license, issued under RCW 75.28.130; ((or))

14 (b) Made a minimum of four landings of coastal crab totaling two  
15 thousand pounds during the period from December 1, 1991, to March 20,  
16 1992, and made a minimum of eight crab landings totaling a minimum of  
17 five thousand pounds of coastal crab during each of the following  
18 periods: December 1, 1991, to September 15, 1992; December 1, 1992, to  
19 September 15, 1993; and December 1, 1993, to September 15, 1994. For  
20 landings made after December 31, 1993, the vessel shall have been  
21 designated on the qualifying license of the person making the landings;

22 (c) Made any number of landings of coastal crab totaling a minimum  
23 of forty thousand pounds during the period from December 1, 1988,  
24 through September 15, 1992, either into Washington ports documented by  
25 valid Washington state shellfish receiving tickets, or into Oregon  
26 ports within five miles of the Washington-Oregon boundary at the mouth  
27 of the Columbia river documented by valid Oregon fish receiving  
28 tickets. For landings made in Oregon ports, the person must document  
29 that the coastal crab was taken within the area described in subsection  
30 (5) of this section by entries in the vessel log book or by  
31 certification by three other fishers qualified for the license issued  
32 under this subsection; or

33 (d) If a person can demonstrate prior historical involvement in the  
34 Washington crab fishery and had a vessel under construction during part  
35 of the qualifying landing period of December 1, 1988, to September 15,  
36 1992, then such person shall also qualify for a license.

37 (3) A Dungeness crab«coastal class B fishery license is not  
38 transferable. Such a license shall be issued to persons who do not  
39 meet the qualification criteria for a Dungeness crab«coastal fishery

1 license, if the person has designated on a qualifying license after  
2 December 31, 1993, a vessel that made a minimum of four landings  
3 totaling a minimum of two thousand pounds of coastal crab, documented  
4 by valid Washington or Oregon state shellfish receiving tickets, during  
5 at least one of the four qualifying seasons, and if the person has  
6 participated continuously in the coastal crab fishery by having held or  
7 by having owned a vessel that held one or more of the licenses listed  
8 in subsection (2) of this section in each calendar year subsequent to  
9 the qualifying season in which qualifying landings were made through  
10 1994. For landings made in Oregon ports, the person must document that  
11 the coastal crab was taken within the area described in subsection (5)  
12 of this section by entries in the vessel log book or by certification  
13 by three other fishers qualified for the license issued under this  
14 subsection. Dungeness crab coastal class B fishery licenses cease to  
15 exist after December 31, 1999, and the continuing license provisions of  
16 RCW 34.05.422(3) are not applicable.

17 (4) The four qualifying seasons for purposes of this section are:

18 (a) December 1, 1988, through September 15, 1989;

19 (b) December 1, 1989, through September 15, 1990;

20 (c) December 1, 1990, through September 15, 1991; and

21 (d) December 1, 1991, through September 15, 1992.

22 (5) For purposes of this section and RCW 75.30.420, "coastal crab"  
23 means Dungeness crab (cancer magister) taken in all Washington  
24 territorial and offshore waters south of the United States-Canada  
25 boundary and west of the Bonilla-Tatoosh line (a line from the western  
26 end of Cape Flattery to Tatoosh Island lighthouse, then to the buoy  
27 adjacent to Duntz Rock, then in a straight line to Bonilla Point of  
28 Vancouver island), Grays Harbor, Willapa Bay, and the Columbia river.

29 **Sec. 2.** RCW 75.30.360 and 1994 c 260 s 3 are each amended to read  
30 as follows:

31 (1) The director shall allow the landing into Washington state of  
32 crab taken in offshore waters only if:

33 (a) The crab are legally caught and landed by fishers with a valid  
34 Washington state Dungeness crab coastal fishery license or a valid  
35 Dungeness crab coastal class B fishery license; or

36 (b) The crab are legally caught and landed by fishers with a valid  
37 Oregon or California commercial crab fishing license (~~during the~~  
38 ~~calendar year between the dates of February 15th and September 15th~~

1 inclusive)), if the crab were caught in offshore waters beyond the  
2 jurisdiction of Washington state, if the crab were taken with crab gear  
3 that consisted of one buoy attached to each crab pot, if each crab pot  
4 was fished individually, and if the fisher landing the crab has  
5 obtained a valid delivery license((; or

6 ~~(c) The director determines that the landing of offshore Dungeness  
7 crab by fishers without a Washington state Dungeness crab coastal  
8 fishery license or a valid Dungeness crab coastal class B fishery  
9 license is in the best interest of the coastal crab processing industry  
10 and the director has been requested to allow such landings by at least  
11 three Dungeness crab processors, and if the landings are permitted only  
12 between the dates of December 1st to February 15th inclusively, if only  
13 crab fishers commercially licensed to fish by Oregon or California are  
14 permitted to land, if the crab was taken with gear that consisted of  
15 one buoy attached to each crab pot, if each crab pot was fished  
16 individually, if the fisher landing the crab has obtained a valid  
17 delivery license, and if the decision is made on a case-by-case basis  
18 for the sole reason of improving the economic stability of the  
19 commercial crab fishery)).~~

20 (2) Nothing in this section allows the commercial fishing of  
21 Dungeness crab in waters within three miles of Washington state by  
22 fishers who do not possess a valid Dungeness crab coastal fishery  
23 license or a valid Dungeness crab coastal class B fishery license.  
24 Landings of offshore Dungeness crab by fishers without a valid  
25 Dungeness crab coastal fishery license or a valid Dungeness crab  
26 coastal class B [fishery] license do not qualify the fisher for such  
27 licenses.

28 **Sec. 3.** RCW 75.30.430 and 1994 c 260 s 10 are each amended to read  
29 as follows:

30 (1) The following restrictions apply to vessel designations and  
31 substitutions on Dungeness crab coastal fishery licenses and Dungeness  
32 crab coastal class B fishery licenses:

33 (a) The holder of the license may not designate on the license a  
34 vessel the hull length of which exceeds ninety-nine feet, nor may the  
35 holder change vessel designation if the hull length of the vessel  
36 proposed to be designated exceeds the hull length or combined hull  
37 length of the currently designated vessel or vessels by more than ten  
38 feet;

1 (b) If the hull length of the vessel proposed to be designated is  
2 comparable to or exceeds by up to one foot the hull length or combined  
3 hull length of the currently designated vessel or vessels, the  
4 department may change the vessel designation no more than once in any  
5 two consecutive Washington state coastal crab seasons unless the  
6 currently designated vessel is lost or in disrepair such that it does  
7 not safely operate, in which case the department may allow a change in  
8 vessel designation;

9 (c) If the hull length of the vessel proposed to be designated  
10 exceeds by between one and ten feet the hull length or combined hull  
11 length of the currently designated vessel or vessels, the department  
12 may change the vessel designation no more than once in any five  
13 consecutive Washington state coastal crab seasons, unless a request is  
14 made by the license holder during a Washington state coastal crab  
15 season for an emergency change in vessel designation. If such an  
16 emergency request is made, the director may allow a temporary change in  
17 designation to another vessel, if the hull length of the other vessel  
18 does not exceed by more than ten feet the hull length of the currently  
19 designated vessel.

20 (2) The holder of a license may substitute on the license a vessel  
21 the hull length of which does not exceed ninety-nine feet and does not  
22 exceed the combined hull lengths of two currently designated vessels  
23 being substituted for, if the license on which each vessel is  
24 designated is held by or transferred to the holder of the license and  
25 one of the licenses is canceled by the department.

26 (3) For the purposes of this section, "hull length" means the  
27 length of a vessel's hull as shown by United States coast guard  
28 documentation or marine survey, or for vessels that do not require  
29 United States coast guard documentation, by manufacturer's  
30 specifications or marine survey.

31 **Sec. 4.** RCW 75.30.050 and 1994 sp.s. c 9 s 807 are each amended to  
32 read as follows:

33 (1) The director shall appoint three-member advisory review boards  
34 to hear cases as provided in RCW 75.30.060. Members shall be from:

35 (a) The commercial crab fishing industry in cases involving  
36 Dungeness crab~~»~~ Puget Sound fishery licenses;

37 (b) The commercial herring fishery in cases involving herring  
38 fishery licenses;

1 (c) The commercial sea urchin fishery in cases involving sea urchin  
2 dive fishery licenses;

3 (d) The commercial sea cucumber fishery in cases involving sea  
4 cucumber dive fishery licenses;

5 (e) The commercial ocean pink shrimp industry (*Pandalus jordani*) in  
6 cases involving ocean pink shrimp delivery licenses; and

7 (f) The commercial coastal crab fishery in cases involving  
8 Dungeness crab~~coastal~~ fishery licenses and Dungeness crab~~coastal~~  
9 class B fishery licenses. (~~The members shall include one person from~~  
10 ~~the commercial crab processors, one Dungeness crab~~coastal~~ fishery~~  
11 ~~license holder, and one citizen representative of a coastal~~  
12 ~~community.~~)

13 (2) Members shall serve at the discretion of the director and shall  
14 be reimbursed for travel expenses as provided in RCW 43.03.050,  
15 43.03.060, and 43.03.065.

16 **Sec. 5.** RCW 75.28.125 and 1994 c 260 s 21 are each amended to read  
17 as follows:

18 (1) Except as provided in subsection (2) of this section, it is  
19 unlawful to deliver with a commercial fishing vessel food fish or  
20 shellfish taken in offshore waters to a port in the state without a  
21 (~~nonlimited entry~~) nonsalmon delivery license. As used in this  
22 section, "food fish" does not include salmon. As used in this section,  
23 "shellfish" does not include ocean pink shrimp (~~or coastal crab~~).  
24 The annual license fee for a (~~nonlimited entry~~) nonsalmon delivery  
25 license is one hundred ten dollars for residents and two hundred  
26 dollars for nonresidents.

27 (2) Holders of salmon troll fishery licenses issued under RCW  
28 75.28.110, salmon delivery licenses issued under RCW 75.28.113, crab  
29 pot fishery licenses issued under RCW 75.28.130, food fish trawl~~Non-~~  
30 Puget Sound fishery licenses issued under RCW 75.28.120, (~~Dungeness~~  
31 ~~crab~~coastal~~ fishery licenses,~~) ocean pink shrimp delivery licenses,  
32 and shrimp trawl~~Non-Puget Sound~~ fishery licenses issued under RCW  
33 75.28.130 may deliver food fish or shellfish taken in offshore waters  
34 without a (~~nonlimited entry~~) nonsalmon delivery license.

35 (3) A (~~nonlimited entry~~) nonsalmon delivery license authorizes no  
36 taking of food fish or shellfish from state waters.

1       **Sec. 6.** RCW 75.28.113 and 1994 c 260 s 22 are each amended to read  
2 as follows:

3       (1) It is unlawful to deliver salmon taken in offshore waters to a  
4 place or port in the state without a salmon delivery license from the  
5 director. The annual fee for a salmon delivery license is three  
6 hundred eighty dollars for residents and six hundred eighty-five  
7 dollars for nonresidents. The annual surcharge under RCW 75.50.100 is  
8 one hundred dollars for each license. Holders of (~~nonlimited entry~~)  
9 nonsalmon delivery licenses issued under RCW 75.28.125 may apply the  
10 (~~nonlimited entry~~) nonsalmon delivery license fee against the salmon  
11 delivery license fee.

12       (2) Only a person who meets the qualifications established in RCW  
13 75.30.120 may hold a salmon delivery license issued under this section.

14       (3) A salmon delivery license authorizes no taking of salmon or  
15 other food fish or shellfish from the waters of the state.

16       (4) If the director determines that the operation of a vessel under  
17 a salmon delivery license results in the depletion or destruction of  
18 the state's salmon resource or the delivery into this state of salmon  
19 products prohibited by law, the director may revoke the license under  
20 the procedures of chapter 34.05 RCW.

21       NEW SECTION. **Sec. 7.** The following acts or parts of acts are each  
22 repealed:

23       (1) RCW 75.30.420 and 1994 c 260 s 9; and

24       (2) RCW 75.30.450 and 1994 c 260 s 16.

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